

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 07-CR-971-LTS

CHRISTOPHER COKE,

ORDER

Defendant.

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The Court has received Mr. Coke's letter requesting the reappointment of Aaron Mysliwicz, Esq., to represent him and assist him with the briefing of his motion for a reduced sentence under 18 U.S.C. section 3582(C)(2). (Docket entry no. 494.)

On June 8, 2012, Christopher Coke was sentenced principally to a term of imprisonment of 276 months following his plea of guilty to charges relating to Racketeering and Conspiracy to Assault in Aid of Racketeering, in violation of 18 U.S.C. sections 1962(d) and 1959(a)(6). Mr. Coke's sentencing guidelines range was 262-276 months' imprisonment, based on an offense level of 39 and a criminal history category of I. In 2016, the Bureau of Prisons projected that the Mr. Coke would be released from prison on July 4, 2030. (See docket entry no. 441 at 1.)

Mr. Coke originally requested modification of his sentence in 2016 (see docket entry no. 437), and the Court denied the motion without prejudice and ordered that any renewed motion be filed "no earlier than the year 2022" (docket entry no. 431). The Court of Appeals for the Second Circuit vacated the decision and remanded the case to this Court to determine, consistent with Dillon v. United States, 560 U.S. 817, 826-27 (2010), whether Mr. Coke was eligible for a sentencing modification and whether, in the Court's discretion, such a modification

was warranted based upon its consideration of the sentencing factors set forth in 18 U.S.C. section 3553(a). (Docket entry no. 440.) The Court then appointed counsel and set a briefing schedule consistent with the Second Circuit's opinion. (Docket entry no. 441.) In October 2018, Mr. Coke, through his counsel, requested leave to withdraw his motion for a reduction of his sentence without prejudice and with leave to re-submit it for decision at a time closer to his projected release date. (Docket entry no. 459.) The Court granted Mr. Coke's request. (Docket entry no. 460.)

Mr. Mysliwec has informed the Court that he is willing and able to resume his representation of Mr. Coke. In its discretion, the Court may appoint counsel pursuant to the Criminal Justice Act ("CJA") in an appropriate matter if "the interests of justice so require." (18 U.S.C. § 3006A(a)(2); see also United States v. Stevens, No. 16-CR-311 (KMW), 2021 WL 1373611, at *2 (S.D.N.Y. Apr. 12, 2021) (citation omitted)).

IT IS HEREBY ORDERED that attorney Aaron Mysliwec, Esq., is appointed in this case as CJA counsel pursuant to the provisions of the CJA. The Court hereby directs Mr. Mysliwec to meet and confer with the Government and propose a briefing schedule by no later than **July 7, 2023**.

SO ORDERED.

Dated: New York, New York
June 21, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

Copy Mailed to: Christopher Coke, 02257748
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